

VZCZCXRO2664
PP RUEHIK
DE RUEHMD #0174/01 0431525
ZNR UUUUU ZZH
P 121525Z FEB 10
FM AMEMBASSY MADRID
TO RUEHC/SECSTATE WASHDC PRIORITY 1928
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE
RUEHLA/AMCONSUL BARCELONA 4356
RUCPDOG/DEPT OF COMMERCE WASHDC

UNCLAS SECTION 01 OF 03 MADRID 000174

SENSITIVE
SIPDIS

STATE FOR EUR/WE, EUR/OHI, EEB/TPP/IPE, L/PD
STATE ALSO FOR ECA AND EUR/PPD (L.MCMANIS)
STATE PASS USTR FOR D.WEINER AND J.GROVES
STATE ALSO PASS U.S. COPYRIGHT OFFICE FOR M.WOODS AND
M.PALLANTE
COMMERCE FOR 4212/DON CALVERT
COMMERCE ALSO FOR USTPO

E.O. 12958: N/A
TAGS: [ETRD](#) [KIPR](#) [PGOV](#) [PREL](#) [PHUM](#) [SCUL](#) [SP](#)
SUBJECT: SPAIN: AMBASSADOR'S MEETING WITH MINISTER OF
CULTURE ANGELES GONZALEZ-SINDE

REF: A. BARCELONA 15
[1](#)B. 09 MADRID 1161

MADRID 00000174 001.3 OF 003

SUMMARY:

[1](#)1. (SBU) Ambassador met February 10 with Minister of Culture Angeles Gonzalez Sinde to discuss bilateral cooperation on cultural issues, intellectual property rights and draft legislation that would enhance the government's ability to combat digital piracy, and the Holocaust-related claim by AMCIT Claude Cassirer on a State-owned painting in Madrid's Thyssen-Bornemisza Museum. The Minister reiterated the government's request that the Embassy continue to engage with the political opposition on draft legislation for shutting down pirate websites. With respect to the Cassirer claim, Ministry officials says the Spanish state is prohibited from giving away property or offering compensation, but the Ambassador asked the Minister to look at some different options to resolve the matter in a more satisfactory fashion.
End Summary.

CULTURAL COOPERATION

[1](#)2. (U) The Minister was accompanied by her Chief of Staff, Javier Bonilla, and Director General (DG) for Cultural Policy and Industries Guillermo Corral van Damme. Ambassador Solomont began by listing the various cultural events he has participated in since his recent arrival. The Ambassador also mentioned the partnership between the Boston-based Berklee School of Music and Spain's General Society of Authors and Publishers (SGAE) in developing a cultural center and music university in Valencia, which he characterized as an "ambitious project." The Ambassador also thanked the Minister for her work on the Fulbright grantee selection boards and her speech at the November 2009 event celebrating the 50th anniversary of the first Spanish grants awarded under the program. Finally, he mentioned that the Boston Museum of Fine Arts plans to lend a John Singer Sargent painting, which was influenced by the Velazquez masterpiece "Las Meninas," to the Prado, and he hoped the Minister could attend a reception for the Boston delegation in March.

IPR PROTECTION AND ANTI-PIRACY MEASURES

[1](#)3. (SBU) Ambassador Solomont said he had heard a great deal about Spain's Internet piracy problem, from MPAA CEO Glickman

and others, and asked where things stand with the government's legislative proposal (ref B) on shutting down or blocking pirate websites. Minister Gonzalez-Sinde replied that everything the government tries to do in this area is big news, since attempts to regulate Internet activity are of intense interest to young people, the media, and companies like Google. The government's proposal, she said, is quite reasonable and even modest. The government has pledged not to move aggressively against citizens and individual users as has been proposed in France and the UK, but its initiative is nonetheless controversial. Many politicians, she averred, have little information or understanding of the issue. Even those who recognize the damage that Internet piracy does to cultural industries have not been helpful.

14. (SBU) At the same time, the Minister said there has been a lot of progress and an open public debate on the issues surrounding Internet piracy since she came into office last April. There are still populist demands for "free culture" on the Internet, but these are being taken less seriously in the media. The Internet is shaking up traditional modes of cultural distribution, she said. Increased use of the e-book is sensitizing authors and influential media owners to the piracy problem.

15. (SBU) The Congressional debate over the government's draft law will be complicated, and this is where the Minister said the Ambassador can help. The Government believes it is making progress with Deputies from the ruling Spanish Socialist Workers Party (PSOE), but is concerned about the opposition Populist Party (PP). The Ambassador noted he had raised the issue in his initial meeting with PP leader Mariano Rajoy and had told him how important the issue is to the USG and private industry. Gonzalez-Sinde pointed out that if the government does not solve this problem now, it

MADRID 00000174 002.3 OF 003

could become an issue in the next presidential campaign. Should the PP come back to power, it will have to deal with this issue, because the current situation is unsustainable over time. (Comment: As reported septel, DG Corral told econoffs recently that the government faces opposition from some members of the ruling party, and he asked us to make our views known to legislators from the regional Convergencia i Unio (Cataluna) and Partido Nacional Vasco (Basque Country) blocs.)

16. (SBU) Ambassador said the USG wants to see the legislation move forward in Congress and not be weakened in the amendment process. He also noted that the music industry in particular does not believe the government's proposal will solve the problem, to which the Minister replied that the Government has committed to trying this approach first, and if it doesn't prove effective, they will come back with additional and perhaps stronger measures. The music industry is important to Spain, she said, because it helps promote the Spanish language in Latin America and also in the United States.

17. (U) On another issue, the Minister raised the draft law being considered by the Catalan regional legislature that would require that foreign films be dubbed or subtitled into the Catalan language (ref A). She placed the issue in the context of requirements that television networks finance and broadcast Spanish and European films, and said it was also related to the transition of televisions and films from analog to digital format. She said the Catalan regional government (Generalitat) is responding to public interest in promoting the language and sees these other initiatives as unnatural and unbalanced. It is trying to push back, but its attempt to require that more films be shown in Catalan is risky, as major studios and distributors oppose it. So do movie house owners, who cite low demand because, in their experience, even Catalan speakers prefer to see movies in Spanish. Gonzalez-Sinde was not certain whether the regional Parliament would pass the law in its current session.

CASSIRER CLAIM

¶8. (SBU) The Ambassador raised the claim of AMCIT Claude Cassirer to a Camille Pissarro painting that is currently part of the Thyssen Museum's permanent collection. The Ambassador noted that Spain had participated in the 1998 Washington Conference on Nazi Confiscated Art and in last year's Prague Conference. Spain had signed the Declarations of Principles but was in the position of possessing a painting that the Nazis had forced its original owner to sell. He cited a German government letter stating that the compensation the owner had received from Germany for the painting's original disappearance did not extinguish the family's claim to restitution or compensation. Ambassador hoped the GOS would facilitate face-to-face negotiations on compensation, as opposed to "moral recognition." Acknowledging that the claimant has a lawsuit against Spain and the Thyssen Foundation before the 9th Circuit Court of Appeals, Ambassador asked what prevented the GOS from playing a stronger hand outside the legal process.

¶9. (SBU) Minister Gonzalez-Sinde replied that lawyers for the MFA and the Museum have advised that Spain is legally barred from returning the painting or paying compensation. She offered to speak again to FM Moratinos to see if anything can be done. DG Corral pointed out that Spain had acquired the painting legally and in good faith and had no involvement in the transaction in which a Nazi art dealer coerced the painting from its owner. The Thyssen Foundation manages the collection that includes the painting, but the State owns it. There is no legal way for the State to surrender its property absent a judicial order, he said, and the government could be sued if it tried. The State is legally bound to protect its property, even at times against its own will.

¶10. (SBU) Spain is sensitive to the family's claim, Corral said, but does not believe it can legally negotiate compensation. It might, however, be able to make gestures to the family and to the Los Angeles Jewish community. The government could, for example, organize and fund travel to Spain and cultural exchanges to promote mutual understanding

MADRID 00000174 003.3 OF 003

and appreciation while giving due recognition to the Cassirer family.

¶11. (SBU) Ambassador suggested that the GOS try to come up with creative solutions. At the same time, he undertook to convey the GOS concerns to Cassirer's attorneys and to ask them to offer a series of options for the government to consider. If there appear to be viable options, they could serve as a basis for direct negotiations. Post will follow up with EUR/OHI.

SOLOMONT